

TOWN BOARD MEETING December 15, 2020

The Town of Kent regularly scheduled meeting was held on Tuesday, December 15, 2020 at 6:00 p.m. via ZOOM. The meeting was televised live on the Town of Kent Cable Channels as well as live streamed on YOU Tube. The public was able to participate via Zoom, You Tube or by emailing comments to the Supervisor. Supervisor Fleming explained the town board decided to conduct meetings in this matter to keep the town moving until we get back to normal.

To see the full meeting visit the Town of Kent's website at www.townofkentny.gov under Video's on Demand.

Present: Supervisor Fleming, Councilpersons Denbaum, McGlasson, Huestis and Ruthven
Also Present: Town Clerk Cappelli and Counsel Nancy Tagliafiero and several members of the public.

Resolution #363 - Open Executive Session

On a motion by Supervisor Fleming

Seconded by Councilman Ruthven

Resolved: The Board adjourned to executive session at 6:30p.m. to discuss proposed, pending or current litigation and matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation.

Motion carried unanimously

Resolution #364 - Adjournment

On a motion by Supervisor Fleming

Seconded by Councilman Ruthven

Resolved: The meeting adjourned at 7:00 p.m.

Motion carried unanimously

Pledge of Allegiance – The meeting began with the Salute to the Flag.

Mining Discussion

Supervisor Fleming read language provided by Councilman Denbaum to add a subsection to Chapter 63: *Notwithstanding any subsection of this Chapter of the Town of Kent Soil Removal Law, no permit shall be issued for the removal of soil outlined herein if the amount of soil to be removed from the property at issue exceeds _____ current cubic yards and the property is zoned commercial or the soil removal is in furtherance of a commercial use.* Town Counsel Tagliafiero explained the DEC regulates the activity of mining for certain amounts over 750 cubic yards. The Town regulates issues that affect the health, safety and welfare. We cannot regulate soil depth or removal unless it can be related to a health, safety and welfare issue. Councilman Denbaum understood permits are issued by DEC but the Town can regulate its land use development. He said we have language pertaining to SEQRA and a moratorium to stop it until we are able to regulate it. Town Counsel replied we are able to regulate certain things and where is one. Many towns have a ban throughout the town on mining. Supervisor Fleming said Southeast and Putnam Valley have no prohibitions on mining. Patterson does with the exception of Peckman who has been grandfathered in, which is purely mining. She said Carmel might have some provisions we might be interested in; *landfill grading and excavation, no operations shall be commenced or carried on which is primarily for the purpose of the sale or exchange of excavated top soil, earth, sand, gravel, rock or other substance from the ground, it goes on to say a building permit for excavation provided that the volume of any excavated material removed from the property does not exceed two times the volume of the cellar and the foundation of the dwelling or accessory structure for which the permit was issued.* She thought Kent wants to control the amount that leaves related to what is being built. Councilman Denbaum explained if a full prohibition is in place you need a measure to apply for approval to vary which our soil law has. He prefers keeping it broad, the more detailed site requirements in the law the more opt the town board will defer to the Planning Board and experts to make the decision. He said the residents want their elected representatives to make the decision. Councilman Ruthven questioned how the project on Old Route 6 is getting around Carmel's Code; it is clearly a rock mining operation. Supervisor Fleming said in order to build in some locations we have to understand that rock will have to be removed. She asked Counsel when revising the code we cannot state the depth, but can say you cannot go as deep as you want because it is problematic for residents. She replied yes, and we can do as we want in areas excavated under the 750 cubic feet. Supervisor Fleming agreed with Paul, making additions to our Soil Removal Code. We do not want a floating mining zone, we want no mining, if you want to excavate because you are building something it has to be within certain parameters. Councilman Denbaum suggested instead of a sentence a few paragraphs be added

TOWN BOARD MEETING December 15, 2020

to our Soil Law, taking his language, what has been discussed, finding the weakness in Carmel's code and draw a draft we can agree upon. The board was in agreement.

Eileen Civitillo said earlier in the year we saw that Kent residents had strong opinions on issues that affect the health, safety and welfare of its residents. She asked if we can have a law that allows the residents to speak on projects. Town Counsel replied the public gets the opportunity to speak when there is a public hearing. She raised concerns anything written will be finagled. A discussion took place on residents input, ways to include it, a vehicle by which residents could be informed, if a permissive referendum could be included in a provision for approval allowing residents opportunity.

Sue Kotzur liked the direction this is going. She likes the public input and moving forward.

Supervisor Fleming advised the mining discussion will be placed on the second meeting in January.

Authorizing Amendment to Lake Carmel Park District Advisory Committee By Laws

Councilwoman McGlasson said some minor changes to the By Laws have been proposed by the LCPD Advisory Committee. The board discussed Item #4 and #13 and determined different verbiage would be proposed and introduced at the next meeting.

Resolution #365 - Authorizing Carry Over of Vacation Time

On a motion by Councilwoman McGlasson
Seconded by Councilman Ruthven

WHEREAS, Frank Sabatini has not used his allotted vacation time and has requested that his remaining vacation time be carried over into 2021; and

WHEREAS, the Town Board wishes to authorize that any remaining vacation time for the year 2020 due to Mr. Sabatini be carried over into the 2021 calendar year.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board authorizes the carryover of any outstanding vacation time of Mr. Sabatini as of December 31, 2020 into the 2021 calendar year to be used by January 31, 2021.

Upon Roll Call Vote:

Supervisor Fleming: Aye Councilwoman McGlasson: Aye
Councilman Ruthven: Aye Councilman Huestis: Aye
Councilman Denbaum: Aye
Motion carried unanimously

Resolution #366 - Authorizing Release of Erosion Control Bonds TM#8.-1-7

On a motion by Councilwoman McGlasson
Seconded by Councilwoman Ruthven

WHEREAS, the owner of a parcel of land at 1 Long Mountain Court, Kent, New York, identified as Tax Map No. 8.-1-7 (the "Lot") posted a bond for erosion control with the Town of Kent and has submitted a request to the Planning Board that the remaining funds of the erosion control bond in the amount of \$1,872.00 be released to the Owner; and

WHEREAS, the Planning Board, at their meeting held on December 10, 2020, adopted Resolution #14 recommending the release of (i) the balance of the erosion control bond in the amount of \$1,872.00, and (ii) the remaining escrow fees in the amount of \$406.15; and the Town Board of the Town of Kent wishes to follow the recommendation of the Planning Board;

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Kent hereby authorizes the release of the erosion control bond in the amount of \$1,872.00 and the release of the remaining escrow fees in the amount of \$406.15.

Upon Roll Call Vote:

Supervisor Fleming: Aye Councilwoman McGlasson: Aye
Councilman Ruthven: Aye Councilman Huestis: Aye
Councilman Denbaum: Aye
Motion carried unanimously Motion carried unanimously

Resolution #367 – Awarding Highway Bids for 2021

On a motion by Councilman Ruthven

TOWN BOARD MEETING December 15, 2020

Seconded by Supervisor Fleming

WHEREAS, the Town of Kent advertised for bids for prices of highway materials to be effective from January 1, 2021 until December 31, 2021; and

WHEREAS, bids were received and opened and publicly read at the Kent Town Center; and

WHEREAS, no bids were received for ice and snow highway sand F.O.B, highway sand delivered, or street sweeping; and

WHEREAS, Highway Superintendent Othmer has reviewed the bids and recommends awarding bids for materials to the lowest bidders as set forth on the summary document annexed hereto and incorporated herein and to re-advertise for bids for ice and snow highway sand F.O.B, highway sand delivered and street sweeping;

NOW THEREFORE, BE IT RESOLVED, that upon the recommendation of Highway Superintendent Othmer, the Town Board of the Town of Kent hereby accepts the bids for highway materials for 2021 as set forth on the summary annexed hereto; and

BE IT FURTHER RESOLVED, the Town Board of the Town of Kent hereby authorizes its Town Clerk, Yolanda D. Cappelli, to re-advertise for bids for ice and snow highway sand F.O.B, highway sand delivered and street sweeping.

Upon Roll Call Vote:

Supervisor Fleming: Aye Councilwoman McGlasson: Aye
Councilman Ruthven: Aye Councilman Huestis: Aye
Councilman Denbaum: Aye
Motion carried unanimously

Resolution #368 - Cancel SAMR Inc. Proposal

The board discussed a possible town wide collection in the spring.

On a motion by Councilwoman McGlasson

Seconded by Councilman Ruthven

WHEREAS, the Town of Kent has been using SAMR, Inc. for E-Waste collection services; and

WHEREAS, the Town Board wishes to cancel the services of SAMR, Inc. and seek other others for E-Waste Collection;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby cancels its contract with SAMR, Inc. for the collection of E-Waste.

Upon Roll Call Vote:

Supervisor Fleming: Aye Councilwoman McGlasson: Aye
Councilman Ruthven: Aye Councilman Huestis: Aye
Councilman Denbaum: Aye
Motion carried unanimously

Resolution #369 - Accepting Bid for Cleaning Services Town Hall/Court, Library, Police Department & Highway Department

On a motion by Councilwoman McGlasson

Seconded by Councilman Ruthven

WHEREAS, the Town of Kent duly advertised for bids for cleaning services for the Town of Kent Town Hall/Court, Library, Police Department and Highway Department, and four bids were received in response to the advertisement and the bids were opened and publicly read aloud at the Kent Town Center; and

WHEREAS, Tri-Green has submitted a bid which is the best value in the following amounts:

Town Hall: \$1,380/month

Library: \$1,190/month

Police Department: \$1,280/month

TOWN BOARD MEETING December 15, 2020

Highway: \$425/month;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Kent hereby awards the bid for the cleaning services to Tri-Green at the above stated monthly rates beginning January 1, 2021; and it is

FURTHER RESOLVED, that the Town Board of the Town of Kent hereby authorizes and directs the Supervisor to execute any and all documents necessary to give effect to this resolution.

Upon Roll Call Vote:

Supervisor Fleming: Aye Councilwoman McGlasson: Aye
Councilman Ruthven: Aye Councilman Huestis: Aye
Councilman Denbaum: Aye
Motion carried unanimously

Resolution #370 - Accepting Quote for On Call Architectural & Engineering Services

On a motion by Councilman Ruthven
Seconded by Councilwoman McGlasson

WHEREAS, the Town Board duly advertised for bids for on call architectural and engineering services; and

WHEREAS, five bids were received in response to the advertisement and the bids were opened and publicly read aloud at the Kent Town Center, copies of said bids are annexed hereto and incorporated herein by reference; and

WHEREAS, the proposal of Barton & Loguidice is hereby rejected for failure to submit the required executed "Non Collusion" statement and failure to submit a rate schedule for on call services; and

WHEREAS, the Town Board wishes to accept the proposals of The Chazen Company, Tectonic, NY Engineering and Lothrop Associates to provide on call architecture and engineering services consistent with the bid proposals.

NOW, THEREFORE, BE IT RESOLVED, the Town Board of the Town of Kent hereby rejects the proposal of Barton & Loguidice and awards the bid for on call architectural and engineering services to The Chazen Company, Tectonic, NY Engineering and Lothrop Associates consistent with the bid proposals submitted; and it is

FURTHER RESOLVED, that the Town Board of the Town of Kent hereby authorizes and directs the Supervisor to execute any and all documents necessary to give effect to this resolution.

Upon Roll Call Vote:

Supervisor Fleming: Aye Councilwoman McGlasson: Aye
Councilman Ruthven: Aye Councilman Huestis: Aye
Councilman Denbaum: Aye
Motion carried unanimously

Resolution #371 - Approve Partners in Safety Agreement for Drug & Alcohol Testing

On a motion by Councilwoman McGlasson
Seconded by Councilman Ruthven

WHEREAS, Partners In Safety, Inc. has submitted a proposed "2021 Complete DOT Program Agreement" to the Town of Kent for drug and alcohol testing and other related services, a copy of which is annexed hereto and incorporated herein by reference (the "Agreement"); and

WHEREAS, the proposed Agreement constitutes a sole source contract, which is not subject to competitive bidding under the Town's Procurement Policy or the General Municipal Law; and

TOWN BOARD MEETING December 15, 2020

WHEREAS, the Town Board of the Town of Kent desires to approve, and to authorize the Town Supervisor to sign, the said Agreement in accordance with the terms set forth therein.

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Kent hereby approves the proposed Agreement with Partners In Safety, Inc. for the year 2021 in the form annexed hereto; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Kent hereby authorizes and directs the Supervisor to execute said Agreement and any and all other documents and otherwise perform all acts necessary to give full effect to this resolution.

Upon Roll Call Vote:

Supervisor Fleming: Aye Councilwoman McGlasson: Aye
Councilman Ruthven: Aye Councilman Huestis: Aye
Councilman Denbaum: Aye
Motion carried unanimously

RESCINDED JANUARY 19, 2021 BY Resolution #73

Resolution # 372 – Authorizing Contract with GenServe Inc.

On a motion by Councilman Ruthven
Seconded by Councilwoman McGlasson

~~WHEREAS~~, the Town of Kent desires to enter into a service maintenance agreement for the generators at the Town Hall, Police Department, Highway Department, and Water Department; and

~~WHEREAS~~, GenServe Inc. has previously provided the Town with maintenance of the generators and has provided a proposal for such services at an annual cost of \$6,975, a copy of which is attached hereto and hereby made a part hereof; and

~~WHEREAS~~, the Town Board believes it to be in the best interests of the Town to accept the GenServe Inc. proposal and authorize the payment of the requested yearly cost.

~~NOW, THEREFORE, BE IT RESOLVED~~, that the Town Board of the Town of Kent hereby accepts the proposal of GenServe Inc. for an annual cost of \$6,975; and

~~BE IT FURTHER RESOLVED~~, that the Town Supervisor is hereby authorized and directed to execute any and all agreements and other documents necessary to give effect to this Resolution, consistent with the terms hereof, all in form satisfactory to the Supervisor and the Town Attorney.

Upon Roll Call Vote:

~~Supervisor Fleming: Aye Councilwoman McGlasson: Aye
Councilman Ruthven: Aye Councilman Huestis: Aye
Councilman Denbaum: Aye
Motion carried unanimously~~

Resolution #373 -Appointing Member to Beautification Committee

On a motion by Councilwoman McGlasson
Seconded by Supervisor Fleming

WHEREAS, there is currently a vacancy on the Town of Kent Beautification Committee, and Ellen Hamill Mueller has expressed a desire to fill said vacancy; and

WHEREAS, the Town Board wishes to appoint Ms. Hamill Mueller to fill the vacant position on the Beautification Committee;

NOW, THEREFORE, BE IT RESOLVED, that Ellen Hamill Mueller be appointed to the Beautification Committee for a five year term to expire on December 31, 2025.

Upon Roll Call Vote:

Supervisor Fleming: Aye Councilwoman McGlasson: Aye
Councilman Ruthven: Aye Councilman Huestis: Aye
Councilman Denbaum: Aye
Motion carried unanimously

Resolution #374 - Approval of Vouchers & Claims

On a motion by Councilman Huestis
Seconded by Councilman Denbaum

TOWN BOARD MEETING December 15, 2020

Resolved: All Vouchers #200157534 - #200157534 and Claims submitted by:

1. Auto Craft Body & Collision	\$20,500.62	Body Repair: International Truck
2. Carmel Central School District	\$2,330.50	Cafeteria/Gym Rentals
3. City Carting	\$8,489.46	Lake Carmel Garbage
	\$6,621.75	
	\$6,932.01	
	\$7,074.64	
	\$6,560.45	
4. Custom Bandag	\$8,553.12	Tires
5. Danbury Auto Spring Welding Co.	\$6,729.91	Sanitation Truck #19
6. Deer Credit, Inc.	\$20,142.34	Lease Payment
7. Hogan & Rossi	\$5,416.63	December Legal Services
8. Home Depot	\$2,219.15	Parks & Rec Purchases
9. Insite Engineering	\$3,816.00	Retaining Wall: Ryan's Park
10. Johnson's Tree Service	\$2,200.00	Tree Work: Ryan's Park
11. Kiefer Aquatics	\$3,215.80	Rescue Boards
12. Lawmen Supply Co.	\$6,594.00	Police Vests
13. NYCOMCO	\$2,846.00	2 Way Radios: Police
14. NYS & Local Retirement	\$1,038,010.00	2021 Annual Retirement Invoices
15. NYS Dept. of Civil Service	\$206,761.10	Health Insurance: December
16. NYSEG	\$3,639.94	Electric: Street Lighting (missed inv.)
17. NYS Unemployment	\$2,881.64	3 rd Quarter Unemployment
18. Purchase Power	\$2,000.00	Postage
19. Royal Carting	\$5,321.58	Recycling Garbage
20. Town of Kent Municipal Repairs	\$10,746.71	Chargebacks: Sanitation Oct
	\$20,333.88	Chargebacks: Highway Oct
	\$8,779.11	Chargebacks: Highway Sept.
	\$8,431.13	Chargebacks: Highway Nov.
	\$9,089.37	Chargebacks: Sanitation Nov

In the amount of \$1,488,442.61 may be paid.

Motion carried unanimously

Public Comment

Walter Recher welcomed Ellen to the Beautification Committee and made a statement for the need of volunteers on the various boards and committees. Councilman Huestis reminded all with the expectation of snow that parking on the roads is not permitted from November 15th to April 15th. Councilman Ruthven wanted everyone to be aware of all the many different scams arising. Sue Kotzur reminded all that if the traffic lights are out due to a power outage it becomes a stop sign.

Resolution #375 - Open Executive Session

On a motion by Councilwoman McGlasson

Seconded by Supervisor Fleming

Resolved: The Board adjourned to executive session at 8:46.m. to discuss proposed, pending or current litigation and matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation.

Motion carried unanimously

Resolution #376 - Adjournment

On a motion by Supervisor Fleming

Seconded by Councilman Ruthven

Resolved: The meeting adjourned at 9:15 p.m.

Motion carried unanimously